

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MERCHANT & GOULD, PC,

Civil No. 09-3144 (JRT/JSM)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

PREMIERE GLOBAL SERVICES, INC.,
et al.,

Defendants.

Anthony Zeuli, Gregory Golla, and John Clifford, **MERCHANT & GOULD PC**, 80 South Eighth Street, Suite 3200, Minneapolis, MN 55402, for plaintiff.

Charles Spevacek and Katrina Giedt, **MEAGHER & GEER, PLLP**, 33 South Sixth Street, Suite 4400, Minneapolis, MN 55402, for ThirdParty Defendant Advanstar Communications Inc.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated August 2, 2010 [Docket No. 72]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Premiere Global Services, Inc.'s Motion to Dismiss [Docket No. 29] is **DENIED** as moot.

2. Third-Party Defendant Advanstar Communications Inc.'s Motion for Summary Judgment [Docket No. 34] is **GRANTED** and the Third-Party Complaint is dismissed with prejudice.

3. Plaintiff's Motion for Leave to File Its First Amended Complaint [Docket No. 41] is **GRANTED** as set forth in the Report and Recommendation.

4. Plaintiff shall file its First Amended Complaint on or before **August 10, 2010**. Defendants shall respond to the First Amended Complaint in a manner that is consistent with the Federal Rules of Civil Procedure

Dated: August 25, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge